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United States of America  
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9 IN THE UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 SCOTT SWEED,  
15 Defendant.  
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CASE NO. 2:20-CR-00087-WBS  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
DATE: May 17, 2021  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status on May 17, 2021.  
21 2. By this stipulation, defendant now moves to continue the status conference until June 21,  
22 2021 at 9:00 a.m., and to exclude time between May 17, 2021, and June 21, 2021 at 9:00 a.m., under  
23 Local Code T4.  
24 3. The parties agree and stipulate, and request that the Court find the following:  
25 a) The government has represented that the discovery associated with this case  
26 includes multiple reports, several hundred photographs, and an audio recording. This discovery  
27 has been produced directly to counsel.

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2           b)     Counsel for defendant desires additional time to review discovery, discuss the  
3 discovery, resolution options, trial strategy, and sentencing exposure with his client, conduct  
4 independent factual investigation and legal research into trial and sentencing issues, and  
5 otherwise prepare for trial.

6           c)     Counsel for defendant believes that failure to grant the above-requested  
7 continuance would deny him the reasonable time necessary for effective preparation, taking into  
8 account the exercise of due diligence.

9           d)     The government does not object to the continuance.

10          e)     Based on the above-stated findings, the ends of justice served by continuing the  
11 case as requested outweigh the interest of the public and the defendant in a trial within the  
12 original date prescribed by the Speedy Trial Act.

13          f)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
14 et seq., within which trial must commence, the time period of May 17, 2021 to June 21, 2021 at  
15 9:00 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local  
16 Code T4] because it results from a continuance granted by the Court at defendant's request on  
17 the basis of the Court's finding that the ends of justice served by taking such action outweigh the  
18 best interest of the public and the defendant in a speedy trial.

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2 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
3 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
4 must commence.

5 IT IS SO STIPULATED.

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7 Dated: May 12, 2021

PHILLIP A. TALBERT  
Assistant United States Attorney

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9 /s/ CAMERON L. DESMOND  
CAMERON L. DESMOND  
Assistant United States Attorney


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11 Dated: May 12, 2021

12 /s/ Mark Reichel  
Mark Reichel  
13 Counsel for Defendant  
14 SCOTT SWEED

15 **FINDINGS AND ORDER**

16 IT IS SO FOUND AND ORDERED. Moreover, the ongoing COVID-19 pandemic has led to  
17 the suspension of jury trials in this district since March 17, 2020, and the General Orders of this court  
18 issued in connection with the pandemic allow for continuances and the exclusion of time under the  
19 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required. General Orders 611,  
20 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial Council of the Ninth Circuit  
21 suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial emergency in this district until May 2,  
22 2021. See In re Approval of the Judicial Emergency Decl. in the E. Dist. of Cal., 956 F.3d 1175 (9th  
23 Cir. Judicial Council 2020).

24 Dated: May 12, 2021

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WILLIAM B. SHUBB  
26 UNITED STATES DISTRICT JUDGE